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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Leonard A. Smith et al.  
Serial No. : 09/910,186 Examiner : Portner, VA  
Filed : July 20, 2001 Group Art Unit : 1645  
For : RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN

TERMINAL DISCLAIMER

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: After Final, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 3, 2003  
Date of Deposit

Carmella L. Stephens  
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41,328  
PTO Registration No.

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Dear Sir:

The United States of America as represented by the Secretary of the Army, the owner of the entire interest in U.S. Application Serial No. 09/910,186 filed on July 20, 2001 for RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN, hereby disclaims, except as provided below, the terminal part of the term of any patent granted on the above-

captioned application Serial No. 09/910,186 that would extend beyond the expiration date of commonly owned U.S. Patent No. 6,495,143, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to such patent so granted shall be the same as the legal title to U.S. Patent No. 6,495,143.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of U.S. Patent No. 6,495,143, in the event that U.S. Patent No. 6,495,143 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has the authority to execute this Terminal Disclaimer on behalf of The United States of America as represented by the Secretary of the Army, has reviewed the above-referenced assignment, and hereby certifies that, to the best of her knowledge and belief, title is in the assignee on whose behalf this terminal disclaimer is being filed. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the assignee, its successors or assigns.

Respectfully submitted,

BAKER BOTTS, L.L.P.

December 3, 2003

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